

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EARNESTINE DAVIS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. 4:08-CV-1969 CAS

ORDER


This matter is before the Court on plaintiff's Application for Award of Attorney's Fees attorney' fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B). Plaintiff seeks attorney's fees in the amount of \$1,617.82, which amount is based on multiplying 9.2 hours of attorney time by a rate of \$175.85 per hour. Defendant filed a response which states that the parties agreed to an award of attorney's fees under the EAJA in the amount of \$1,590.22, which may be made payable directly to plaintiff's counsel.

The Court has reviewed plaintiff's application for an award of fees and expenses under the EAJA, and concludes the statutory requirements are met. By Order and Judgment of Remand dated October 2, 2009, this Court remanded this case to defendant Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security disability benefits may recover attorney's fees if he or she receives a "sentence four" remand. See Shalala v. Schaefer, 509 U.S. 292, 295-96 (1993). Because plaintiff prevailed and is not otherwise precluded from receiving attorney's fees, the Court finds that she is entitled to attorney's fees in the amount of \$1,590.22.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's application for attorney's fees and costs under the Equal Access to Justice Act is **GRANTED**. [Doc. 30]

IT IS FURTHER ORDERED that defendant Commissioner of Social Security shall pay attorney's fees under the EAJA in the amount of One Thousand Five Hundred Ninety Dollars and Twenty-Two Cents (\$1,590.22), and that the award shall be made payable to Mr. Jeffrey J. Buntin, attorney for plaintiff.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of November, 2009.